

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES – GENERAL**

Case No. LA CV15-04396 JAK (JEMx)

Date February 17, 2016

Title Nathaniel Myers v. China Wok, et al.

Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Andrea Keifer

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION AND FAILURE TO FOLLOW THE COURT'S ORDERS (DKT. 21)**

On October 6, 2015, the Court issued an Order to Show Cause re Dismissal for Lack of Prosecution (the "OSC"). Dkt. 15. Plaintiff responded to by filing an application for the Clerk to enter default against Defendants. Dkt. 16, 17. Default was entered against Defendants Long Hai Lou and Ho Cheng Hsiuing. Dkt. 19. However, a Deficiency was issued with respect to the application for Defendant China Wok. Dkt. 18. On October 24, 2015, the Court directed Plaintiff to amend its application with respect to seeking the entry of default against China Wok no later than November 2, 2015. Dkt. 20.

The amended application has not been filed. The Court's November 13, 2015 Order directed Plaintiff to file a motion for default judgment against Lou and Hsiuing no later than January 4, 2016. A hearing date of February 29, 2016, was reserved for that motion. Further, Plaintiff was afforded a second opportunity to file the amended application for the Clerk to enter default against China Wok. Dkt. 21. Plaintiff was advised that a failure to do so would result in the dismissal of that defendant.

No amended application with respect to China Wok has been filed. Nor has Plaintiff filed a motion seeking the entry of default judgment against Lou and Hsiuing. Therefore, this Order to Show Cause is issued as to why this matter should not be dismissed for Plaintiff's failure to prosecute and failure to follow the Court's Orders.

Plaintiff is provided this final opportunity to respond to the series of orders that have been issued, by filing an amended application requesting the entry of default and filing any motion(s) for default judgment on or before February 24, 2016. A failure to do so will result in the dismissal of this action. In addition, on or before that same date, Plaintiff's counsel shall file a declaration under penalty of perjury, explaining the failure to comply with the prior Orders, and why sanctions in the amount of \$250 should not be imposed due to the failure of counsel to do so. Upon the filing of any such declaration, the Court will determine how to proceed.

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For the foregoing reasons, the hearing on the motions presently set for February 29, 2016, is taken off calendar.

**IT IS SO ORDERED.**

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Initials of Preparer : \_\_\_\_\_  
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